

Applicant : Erik Coelingh et al.
Appln. No. : 10/063,953
Page : 16

REMARKS

Claims 1-22 are pending in the present application. Reconsideration is respectfully requested for the following reasons.

Applicant would like to thank the Examiner for taking the time for a telephone interview on October 3, 2006, wherein claim 15 was discussed. The substance of that interview is outlined below.

The Office Action has indicated that claims 1-14 and 16-22 have been allowed. Applicant would like to thank the Examiner for that indication. In the interview, the Examiner also indicated that the present Office Action is a non-final Office Action and that the indication of finality of the Office Action is inappropriate, as the only rejection in the present Office Action had not been previously presented.

Claim 15 has been rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. According to the Office Action, the phrase in claim 15 that the at least one active assist program does not output at least one active input is unclear and should be changed to end with “does not output any active input.” While Applicant believes that there is no difference in the language, Applicant has made the amendment as suggested by the Examiner to expedite prosecution. The rejection of claim 15 in the Office Action also states that “providing an implementation subsystem; is essential to the claimed invention but not shown in the claim” (emphasis in original). Applicant called the Examiner for clarification on this rejection as Applicant submits that the rejection set forth in the Office Action is unclear. During the interview, it appeared that the Examiner was stating that the language “providing an implementation subsystem” in claim 15 is too broad. However, “[b]readth of a claim is not to be equated with indefiniteness.” MPEP §2173.04. Accordingly, Applicant submits that claim 15 is definite and in condition for allowance.

Applicant : Erik Coelingh et al.
Appln. No. : 10/063,953
Page : 17

All pending claims 1-22 are believed to be in condition for allowance, and a Notice of Allowability is therefore earnestly solicited.

Respectfully submitted,

November 20, 2006

Date

/Marcus P. Dolce/

Marcus P. Dolce, Registration No. 46 073
Price, Heneveld, Cooper, DeWitt & Litton, LLP
695 Kenmoor, S.E.
Post Office Box 2567
Grand Rapids, Michigan 49501
(616) 949-9610

MPD/msj